

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

\*\*\*\*\* \*  
**CHILDREN'S HOSPITAL CORPORATION,** \*  
\*  
**Plaintiff,** \*  
\*  
**v.** \* **Civil Action No. 04-11676-PBS**  
\*  
**KINDERCARE LEARNING CENTERS,** \*  
**INC., BLUE CROSS BLUE SHIELD OF** \*  
**MASSACHUSETTS, INC., and REGENCE** \*  
**BLUE CROSS BLUE SHIELD OF OREGON,** \*  
\*  
**Defendants.** \*  
\*\*\*\*\*

**DEFENDANTS' LOCAL RULE 7.1 STATEMENT**

In accordance with Local Rule 7.1(2), Defendants Kindercare Learning Centers, Inc., Blue Cross Blue Shield of Massachusetts, Inc., and Regence Blue Cross Blue Shield of Oregon, hereby certify that they have attempted in good faith to confer with counsel for Children's Hospital Corporation and to resolve and narrow the issues presented in the accompanying motion papers insofar as defendants' counsel had previously indicated that defendants were considering moving to dismiss, and today left a message in an effort to follow up on these discussions.

Respectfully submitted,

KINDERCARE LEARNING CORPORATION,  
CENTERS, INC.,

By its attorneys:

/s/ Robert P. Joy \_\_\_\_\_  
Robert P. Joy, BBO No. 254820  
Robert P. Morris, BBO No. 546052  
MORGAN, BROWN & JOY, LLP  
One Boston Place  
Boston, MA 02108-4472  
(617) 523-6666

BLUE CROSS BLUE SHIELD OF  
MASSACHUSETTS, INC., and  
REGENCE BLUE CROSS BLUE  
SHIELD OF OREGON

By their attorneys:

/s/ Erica Templeton Spencer  
Russell Beck, BBO No. 561031  
Erica Templeton Spencer, BBO No. 651967  
EPSTEIN BECKER & GREEN, P.C.  
111 Huntington Avenue  
Boston, MA 02199  
(617) 342-4000

Dated: September 3, 2004